

# Response to 2011 Statement of Legislative Intent (SLI) #8-2-A-1 and Green Sheet #8-1-A-3

## Graffiti Control And Abatement Activities May 4, 2011

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### **Executive Summary**

In the 2011 Adopted Budget, the City Council took several actions related to graffiti control and abatement. These included passing a Statement of Legislative Intent (SLI) asking Seattle Public Utilities (SPU) and Seattle Department of Transportation (SDOT) to explore options for transfer of a graffiti position from SPU to SDOT for improved graffiti control on parking pay stations; providing funding and adopting a related proviso for development of an expanded graffiti database in either SPU or the Seattle Police Department (SPD); and adding funds for community coalition building and outreach planning by SPU. SPU, SDOT and SPD all share an interest in effectively controlling graffiti in Seattle, including an interest in better addressing the problem of graffiti on SDOT parking pay stations. However, there is a potential gap in 2011 and beyond between revenues and expenditures of solid waste tonnage taxes, the revenue stream earmarked for these activities. In addition, the options for transfer of a graffiti position from SPU to SDOT raise several labor-related issues that are still under discussion. The Executive expects to sort through these funding and labor issues, and present a proposal to Council – either through a 2011 supplemental ordinance or as part of the 2012 Proposed Budget – for addressing these issues. If resources are available, the Executive's recommendation for the highest priority use of any available resources will likely be to redirect funding from SPU to SDOT for abatement of graffiti on SDOT parking pay stations.

### **Background**

The Seattle Office of the City Auditor (OCA) conducted a performance audit in 2010 entitled “City of Seattle Anti-Graffiti Efforts: Best Practices and Recommendations.” The report compared the City’s anti-graffiti efforts to best practices and made recommendations for potential improvements. In reviewing the 2011 Proposed Budget of Seattle Public Utilities (SPU), the City Council addressed three of the report’s recommendations as follows:

1. *Ensure that reported graffiti on parking pay stations is abated within the six (6) day target goal set by the City.* The Council recommended the transfer of a graffiti position from SPU to SDOT for graffiti control on pay stations. The Council also approved a SLI (Green Sheet #8-2-A-1) requiring SPU and SDOT to submit a report describing how best to implement this recommendation and addressing several specified issues. Those issues included which position should be transferred, job classification questions, integration of the position into SDOT’s work processes, and refined cost estimates.

2. *Strengthen the Seattle Police Department's (SPD's) ability to analyze graffiti crimes by creating and maintaining a photographic database.* The Council added funding for 2011 and 2012 to help build and maintain an expanded graffiti database in either SPU or SPD (\$43,000/year). Per 2011 Greensheet #8-1-A-3, the Council also imposed a proviso on this funding pending an evaluation and recommendation from SPU and SPD.
3. *Enhance community involvement and public education.* The Council added a part-time position (0.5 FTE) and spending in SPU for graffiti-related community coalition building and outreach planning (\$49,000/year),

This report responds to SLI #8-2-A-1 and summarizes the current outlook for the source of revenue for SPU's graffiti program -- the tonnage tax. The report describes alternatives for providing resources to SDOT for pay station graffiti control. The report also describes the current status of the other activities that the Council funded via Greensheet #8-1-A-3, related to a graffiti database and community coalition building and outreach.

## **Tonnage Tax Revenues and Expenditures**

The City currently levies a per-ton transfer tax on non-recycling solid waste transferred for disposal in Seattle. The tax is paid by SPU, as both a collector of solid waste and an operator of a transfer station in the City. The tax is also paid by other entities for the non-contract tons they transfer within the city limits. SPU recovers revenue in the solid waste rates, pays the General Fund its tax obligation and then the General Fund transfers the total tonnage tax receipts back to SPU to pay for certain programs and costs. The primary use of the tax revenues is to provide funding for SPU's Clean City program, which includes graffiti abatement, litter clean up, illegal dumping clean up, and various other activities.

During the 2011-2012 budget process, the Council increased the tonnage tax rate from \$8.50 per ton to \$8.69 per ton. The additional revenue of \$92,000 was earmarked to fund a 0.5 FTE and associated costs in SPU for community coalition building and outreach planning (\$49,000/year), and to help build and maintain an expanded graffiti database in either SPU or SPD (\$43,000/year).

Actual tonnage tax revenue receipts are contingent upon tons of waste generated and transferred within the City, and actual tonnage generated is highly affected by the economy. Given this, 2010 tonnage tax revenues came in lower than originally anticipated and are expected to remain at this lower level in 2011.

Expenditures for the Clean City program, however, are moving in the opposite direction. SPU is currently analyzing all Clean City activities to better estimate and capture all the costs associated with the program. Despite the small increase to the tonnage tax last year, it is possible that tonnage tax expenditures and costs will exceed anticipated revenue in 2011, and that this trend will continue in future years absent any corrective action. In the coming weeks, SPU will be submitting a proposal to the Executive that articulates the magnitude of the potential funding gap along with proposed solutions.

Until this analysis is further along, it will not be clear what resources are available for improving service levels and expanding the city's anti-graffiti efforts. Given these funding constraints, there are likely to be difficult decisions in the months ahead regarding which Clean City services to prioritize and protect, and which services to reduce or eliminate.

## Graffiti Control on Pay Stations

Even in the face of constrained tonnage tax resources, SPU and SDOT both place a high priority on providing additional funding for graffiti abatement on parking pay stations. In response to SLI #8-2-A-1, SPU and SDOT considered several different options to fulfill the Council's intent to provide one position and/or funding for graffiti abatement on parking pay stations. In evaluating the options, SPU and SDOT considered the funding, personnel, and business impacts of each. Some of the options that SPU and SDOT considered for transferring staff and/or funding from SPU to SDOT for pay station graffiti abatement work are described in Table 1 below.

<b>Table 1 – Options for Transferring Staffing and Funding from SPU to SDOT for Pay Station Graffiti Abatement</b>		
<b>Option</b>	<b>Method of Adding a Position to SDOT</b>	<b>Funding Impacts</b>
Option A	Transfer one filled Painter position from SPU's Graffiti Rangers to SDOT	Costs are covered by SPU's Graffiti Rangers program budget
Option B	Abrogate a filled Painter position in SPU's Graffiti Rangers and transfer the budget to SDOT to fund an unfunded position in SDOT's Parking Shops	Costs are covered by SPU's Graffiti Rangers program budget
Option C	Reinstate funding for one of SDOT's vacant Parking Shops positions (no position transfer from SPU needed) by cutting funding elsewhere in the Clean City program	Costs need to be covered from cutting another part of SPU's Clean City program budget

In addition to the options above, SPU and SDOT considered an option of developing a memorandum of understanding (MOU) to assign 1.0 FTE of effort within SPU's Graffiti Rangers to pay station graffiti control. However, SDOT and SPU both recommend rejecting this option, and instead support having pay station graffiti abatement activities remain under SDOT's direction. Given the infrastructure's critical and unique nature, it has been the sole responsibility of SDOT's Parking Shops personnel and the pay station vendor to perform all pay station responsive and preventative maintenance functions, including graffiti abatement, since the 2004 inception of pay stations in Seattle. Strict procedures must be followed to minimize risk of damage to the exterior pay station graphics, faceplate or card reader, and to the internal mechanics of the pay stations. These procedures, which include chemical abatement to remove graffiti, are dissimilar to the Graffiti Rangers' standard operating procedure of painting surfaces to cover graffiti. Most instances of graffiti abatement would require coordination with and dispatch of SDOT Parking Crews -- a second crew -- to fully abate graffiti on the decals, faceplate, credit card reader,

or other upper front locations of the unit. This option could also raise labor issues that would require additional consideration.

### **Personnel Impacts**

Some additional considerations regarding these options are described below.

Graffiti abatement work in the SDOT Parking Shops is currently performed by Pay Station Technicians and Maintenance Laborers, but not as a primary part of their job duties. Graffiti abatement in SDOT's Parking Shops is focused on a single asset type and inventory -- the parking pay stations. Under Option A, if SPU were to transfer a filled Painter position to SDOT, the position would likely perform pay station abatement duties full-time but not otherwise work on pay station programming. Consequently, SDOT would need to re-classify the position to Maintenance Laborer to ensure alignment with other SDOT classifications. The hourly rate of the Painter job class is \$28.79/hour; the hourly rate of the Maintenance Laborer job class is \$22.23/hour, a difference of approximately \$13,500 per annum. Such a position transfer would therefore result in a reduction in classification and pay for the incumbent employee. However, the incumbent would retain employment.

On February 4, the International Union of Painters & Allied Trades, District Council 5 ("Council 5") made a demand to bargain the impacts of this potential transfer on behalf of its members and requested that the City explore other alternatives. Discussions are continuing regarding the potential issues associated with such a transfer.

With regard to Options A and B: compared to other Clean City programs, the Graffiti Rangers are relatively well resourced. In 2010, the Graffiti Rangers consistently exceeded performance targets. SPU does not anticipate a decline in performance for reported graffiti abatement by transferring one Graffiti Ranger. There would be a decline in discovered graffiti abatement, which represented 88% of total graffiti removed by the Rangers in 2010; and in turn, the number of reported incidents could increase. However, given that unabated graffiti tends to "spread," cleaner pay stations could also reduce occurrences of graffiti on other infrastructure, including that maintained by the Graffiti Rangers.

Options B and C would reinstate funding for an existing SDOT position, rather than transferring a filled Painter position. Both of these options would avoid the need to reclassify and reduce the pay of an incumbent Painter.

### **Method of Adding the SDOT Position**

If a filled Graffiti Ranger position were to be transferred to SDOT (Option A), or if SDOT were to receive funding only (Options B or C), this could be accomplished by: 1) the 2011 second quarter budget supplemental ordinance; 2) a stand-alone ordinance in 2011; or 3) via the 2012 Proposed Budget.

### **Integration of Position into SDOT's Work Processes to Best Eradicate and Prevent Graffiti on Pay Stations**

If sufficient tonnage tax funds are available to proceed with transferring staff and/or funding from SPU to SDOT for pay station graffiti abatement, then SDOT would devote a full time position in the SDOT Parking Shops to this work. Seattle currently has about 2,200 pay stations in the public right of way. To ensure SDOT is able to meet the six-day turnaround requirement to abate reported graffiti, SDOT would manage its pay stations as six roughly equivalent geographic areas for graffiti abatement purposes. The expectation would be that the person in the new position would move to each of the six areas on a daily basis to abate graffiti, cleaning all reported graffiti in the area each day and then working proactively for the remainder of each day to abate unreported pay station graffiti in each area.

To abate most pay station graffiti, SDOT uses a chemical spray called "Write Away" manufactured by Zep. SDOT requires crews using the product to wear proper personal protective equipment, which includes gloves and safety glasses. Because all pay stations are outside, ventilator equipment is not required with this product. In cases where graffiti is severe or removal causes discoloration to the exterior of the pay stations, SDOT crews also do spot re-painting of pay stations in the field on site.

### **Refined Cost Estimates**

The refined cost estimates below assume that this position's work at SDOT would be classified as Maintenance Laborer work. In addition, the person in this position will need a vehicle and associated supplies.

#### **Labor Costs:**

Salary/Paid Absence - \$46,416

Fringe Benefits - \$18,864

Indirect Overhead - \$39,100

#### **Non Labor Costs:**

Annual Vehicle Operating/Lease - \$6,000

Materials and Supplies - \$6,000

#### **Total:**

**\$116,380**

SLI 8-2-A-1 included the statement *"SPU tonnage tax revenues will fund the position and associated vehicle and materials costs in 2011 and 2012 but not SDOT indirect cost recovery. It is anticipated that no more than \$95,000 of tonnage tax revenues will be allocated to support the SDOT position over a 12-month period."* This SLI language was based on SPU's cost estimates of labor costs associated with performing the work in SPU. At the time, SPU's estimates excluded indirect overhead costs. A more recent analysis performed by SPU concludes that indirect overhead costs should in fact be accounted for in total labor costs and paid by tonnage tax revenues. Consequently, SPU concurs with SDOT that any funding provided to SDOT for pay station graffiti abatement ought to include indirect overhead cost recovery. In order to cover SDOT's costs, additional budget authority will need to be provided to SDOT via a budget supplemental.

### **Billing and Payment Practices**

SDOT and SPU will set up a billing pointer to allow SDOT to bill for the labor and non-labor costs described above.

### **2011 Pay Station Graffiti Control Performance Data**

In the first quarter 2011, there have been 131 work orders generated in response to reports of graffiti on parking pay stations. Of those reports, 129 work orders or 98% of reports were cleaned within six business days. However, no tags were discovered and proactively cleaned by SDOT Parking Shop staff. (For reference, note that reported incidents of graffiti resulted in approximately 12% of the Graffiti Ranger's work in 2010; the other 88% of graffiti abatement resulted from graffiti discovered by the crew and abated without a report.)

From a citywide perspective, pay station graffiti remains problematic. The graffiti hotline received more reports of incidents of graffiti on pay stations (resulting in 139 work orders) than on all infrastructure types maintained by the Graffiti Rangers (totaling 111 work orders) in first quarter 2011. Community members continue to voice concerns related to abatement on pay stations. Field observations continue to confirm that pay stations are frequent targets for graffiti vandalism.

### **Expanded Database**

This section discusses the status of the Seattle Police Department's (SPD's) ability to analyze graffiti incidents, and the Council's related interest in the creation and maintenance of a photographic database.

In early 2011, SPD selected a detective who will focus on investigating graffiti crimes. This detective is housed in the Criminal Investigations Bureau and is tasked with investigating cases where there is a probability of linking multiple graffiti incidents together with a single offender, or a group of offenders, with the goal of supporting successful prosecutions. In order to best accomplish this, SPD will be taking a comprehensive approach, which includes collaboration with existing anti-graffiti program staff.

SPD has been working with field abatement and other anti-graffiti program staff to formalize communications procedures and protocols to help facilitate the transfer of necessary information between departments. This will include the detective's regular participation in interdepartmental anti-graffiti meetings to identify specific tags that have increased in frequency and changes in tagging locations and agree on tags that should be photographed prior to abatement to support investigation and prosecution.

While recognizing that the formation and maintenance of a database tracking specific tags throughout the City may have some value, such an approach would place additional strain on SPD's information technology (IT) unit, which is already adjusting to recent cutbacks coupled with increased demand from existing users and systems. Additionally, data can currently be provided to SPD by SPU which identifies incidents of graffiti by location. Analysis of this information will be utilized by not only the graffiti

detective, but also crime analysts to help Patrol Officers identify trends and improve success in predicting when and where graffiti is likely to occur. This information is already available via SPU's work order system, Maximo. SPU is also exploring having City abatement crews provide photographs of prolific tags for crime investigation.

In short, SPD and SPU are collaborating on several efforts to support SPD's anti-graffiti program services. In addition, with the hiring of a new Graffiti Detective, SPD is making good progress in ramping up their investigations and prosecution of graffiti crimes.

### **Community Coalition Building and Outreach Planning**

Data-supported research, community involvement and public education are key elements to anti-graffiti program efficacy. However, given the constraints described above on available tonnage tax resources, it is likely that additional funding approved by Council for 2011 will not be available for these functions.

### **Conclusion**

SPU, SDOT and SPD all share an interest in effectively controlling graffiti in Seattle, including an interest in better addressing the problem of graffiti on SDOT parking pay stations. However, a gap between tonnage tax revenues and expenditures is creating a resource constraint, and could result in reductions in existing service levels in graffiti abatement and other Clean City programs. In addition, the various options for transfer of a graffiti position and/or related funding from SPU to SDOT raise several labor-related issues that are under discussion. The Executive is sorting through these funding and labor issues, and will present a proposal to Council – either through a 2011 mid-year supplemental ordinance or as part of the 2012 Proposed Budget – for addressing these issues. Reallocating funds from SPU to SDOT for pay stations graffiti abatement is likely to be a high priority use for any available resources. It is expected at this time that given tonnage tax resource constraints, it will be deemed a lower priority to develop a new database or expand SPU's outreach efforts. With regard to the database concept, SPD and SPU are already finding other cost effective ways of sharing information; and with regard to outreach efforts, it is likely that additional funding will not be available to SPU in 2011 for these functions.